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United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
Sixth meeting
6-10 June 2005

Format and annotated provisional agenda

1. Pursuant to General Assembly resolution 54/33 of 24 November 1999, the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions at the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process) that best facilitates its work, in accordance with the rules of procedure and practices of the General Assembly. It is recalled that the General Assembly, in resolution 57/141 of 12 December 2002, extended the Consultative Process for a further period of three years.

2. On the basis of consultations with delegations and of an informal preparatory meeting held at United Nations Headquarters on 16 March 2005, the Co-Chairpersons, Philip D. Burgess (Australia) and Felipe H. Paolillo (Uruguay),[1] developed a format for the discussions at the sixth meeting of the Consultative Process (see annex I) and are proposing a provisional agenda for the meeting (see annex II).

3. Descriptions of the areas of focus for the two discussion panels: fisheries and their contribution to sustainable development, and marine debris, are set out in annex III, sections A and B, respectively. The descriptions are intended solely as a starting point for the discussions and to identify important issues that the discussion panels may wish to consider, in particular by reference to the annual reports of the Secretary-General on oceans and the law of the sea.

4. The meeting is invited to consider and adopt the provisional agenda.

[1] By letter dated 8 March 2005 Ambassador Paolillo notified the President of the General Assembly that he had been assigned new duties which would not allow him to continue the co-chairmanship of the sixth meeting of the Consultative Process.

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Annex I

Format for the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Methods of work

1. The sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will work through plenary sessions and two discussion panels.

2. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of General Assembly resolution 54/33 of 24 November 1999. The discussion panels will also be open to participation by representatives of major groups, as identified in section III of Agenda 21 of the United Nations Conference on Environment and Development.[a]

3. Within the constraints of the available accommodation, such representatives of major groups and other observers will be free to attend the plenary sessions in accordance with established practice.

Agenda

4. The two co-chairpersons will propose to the sixth meeting a draft agenda setting out a proposed programme of work for the meeting and a timetable for plenary sessions and two discussion panels. The sixth meeting will consider such proposals and adopt its agenda and timetable accordingly.

Discussion panels

5. The areas of focus for the sixth meeting, fisheries and their contribution to sustainable development, and marine debris, as recommended by the General Assembly in its resolution 59/24 of 17 November 2004, will be discussed, respectively, in two discussion panels. The co-chairpersons will invite persons entitled to participate in each discussion panel to launch the discussions by making short presentations on questions relevant to its area of focus.

Report of the sixth meeting

6. The report of the sixth meeting will consist of:

(a) Agreed recommendations to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea";

(b) A summary of discussions by the co-chairpersons of issues and ideas raised during the plenary sessions and discussion panels;

[a] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

(c) Additions or amendments to "Issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea" in part C of the reports on the work of the Consultative Process at its fourth and fifth meetings (A/58/95 and A/59/122).

7. The co-chairpersons will present draft recommendations to the sixth meeting, as mentioned in paragraph 6 (a) above. There will be an opportunity during the last two plenary sessions to discuss them in order to reach consensus. Only States may subsequently submit amendments to the draft recommendations.

8. An advance and unedited version of the co-chairpersons' summary of discussions, as mentioned in paragraph 6 (b) above, in English only, will be posted on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los within three weeks of the end of the sixth meeting for delegations to comment.

9. The co-chairpersons will submit a final version of the report to the President of the General Assembly, incorporating such consensus as is reached on the recommendations to be suggested to the General Assembly and reflecting the comments made on the other components mentioned in paragraphs 6 (b) and (c). In addition, the advance and unedited version of the report, in English only, will be posted on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.

Annex II

Annotated provisional agenda for the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Monday, 6 June 2005 **10 a.m.-1 p.m.**

First plenary session

Item 1. Opening of the sixth meeting

Item 2. Adoption of the agenda

1. The sixth meeting is invited to consider and, as appropriate, to adopt the agenda for the sixth meeting.

Item 3. General exchange of views on areas of concern and actions needed, including on issues discussed at previous meetings[a]

2. The areas of focus for the sixth meeting are: (a) fisheries and their contribution to sustainable development; and (b) marine debris, as recommended by the General Assembly in its resolution 59/24 of 17 November 2004.

3. General Assembly resolution 54/33 of 24 November 1999 provides that, consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21, the Consultative Process is to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on identifying areas where coordination and cooperation at the intergovernmental and inter-agency levels should be enhanced.

4. To that end, delegations are invited to address specifically the following questions:

(a) Whether there is a need to improve coordination or cooperation at an intergovernmental or inter-agency level in relation to:

(i) Any of the subjects covered by the reports of the Secretary-General;

(ii) Issues common to more than one of those subjects;

(iii) Obstacles to the implementation of international instruments relevant to those subjects or to the realization of benefits resulting from such instruments;

(b) Which specific actions or solutions may be suggested to the General Assembly for consideration in order to help meet such needs.

5. The General Assembly, in its resolution 59/24, recommended that in addition to the areas of focus, the Consultative Process should, in its deliberations on the

[a] Delegations are requested to limit their oral presentation to no more than five minutes in order to provide sufficient time for a broad exchange of views.

report of the Secretary-General, also organize its discussions around issues discussed at previous meetings.

6. The relevant intergovernmental organizations, funds or programmes of the United Nations will be provided with an opportunity to present an update of relevant developments in relation to the areas of focus discussed at previous meetings.

7. The meeting will receive a report on actions taken in response to the Indian Ocean tsunami.

Monday, 6 June 2005 **3-6 p.m.**

Discussion Panel A
Fisheries and their contribution to sustainable development

8. A description of the area of focus for this discussion panel is contained in annex III, section A.

Tuesday, 7 June 2005 **10 a.m.-1 p.m.**

Discussion Panel A (*continued*)

3-6 p.m.

Discussion Panel A (*continued*)

Wednesday, 8 June 2005 **10 a.m.-1 p.m.**

Discussion Panel A (*continued*)

3-6 p.m.

Discussion Panel B
Marine debris

9. A description of the area of focus for this discussion panel is contained in annex III, section B.

Thursday, 9 June 2005 **10 a.m.-1 p.m.**

Discussion Panel B (*continued*)
Marine debris

3-6 p.m.

Second plenary session

Item 3. General exchange of views on areas of concern and actions needed, including on issues discussed at previous meetings (continued)

Friday, 10 June 2005 **10 a.m.-1 p.m.**

Third plenary session

Item 4. Cooperation and coordination on ocean issues

10. The Coordinator of the Oceans and Coastal Areas Network (UN-Oceans) will be invited to provide information on recent developments regarding the new inter-

agency mechanism for cooperation and coordination on issues concerning oceans and coastal issues between the secretariats of international organizations, funds, programmes as well as specialized agencies of the United Nations system and secretariats of relevant international conventions.

Item 5. Identification of issues for further consideration

11. The meeting will be invited to suggest in writing further issues that could benefit from attention in the future work of the General Assembly. Such suggestions will be incorporated in the list contained in part C of the reports on the work of the Consultative Process at its fourth and fifth meetings (see A/58/95 and A/59/122).

Item 6. Consideration of recommendations to be suggested to the General Assembly

12. The meeting will be invited to agree upon a draft text of recommendations to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea" (see format in annex I).

3-6 p.m.

Fourth plenary session

Item 6. (continued)

Annex III

Discussion panels

A. Discussion Panel A

Fisheries and their contribution to sustainable development

1. Section X.A., entitled "Fisheries and their contribution to sustainable development", paragraphs 168-231 of the report of the Secretary-General on oceans and the law of the sea (A/60/63) provides background information for the discussion panel, in addition to other relevant past reports of the Secretary-General on oceans and the law of the sea and on fisheries issues that are available on the website of the Division for Ocean Affairs and the Law of the Sea (www.un.org/Dept/los). The following issues addressed in section X.A. are not intended to be exhaustive, but could provide a basis for an informed dialogue during the discussion panel:

(a) Role of fisheries in sustainable development (for example, the contribution of fisheries to poverty alleviation and food security and to world trade) (see A/60/63, paras. 168-183);

(b) Legal and policy framework enhancing the contribution of fisheries to sustainable development (global instruments, regional conservation and management measures, national policies, data collection and research, actions to reduce vulnerability and increase the value of small-scale fisheries; resource allocation and management; trade-offs; and improved governance) (see A/60/63, paras. 184-208);

(c) Factors limiting the contribution of fisheries to sustainable development (for example, overfishing, illegal, unreported and unregulated fishing, governance and policy issues, and environmental issues linked to aquaculture) (see A/60/63, paras. 209-222);

(d) Capacity-building activities of international organizations promoting sustainable fisheries (see A/60/63, paras. 223-229).

2. It is noted in the report of the Secretary-General that "sustainable development is usually divided into four primary dimensions: economic, environmental, social and institutional. Application of the concept requires the integration of economic, social and environmental issues in decision and policy-making at all levels" (see A/60/63, para. 169).

3. It is also noted that in setting the internationally agreed goals contained in the "United Nations Millennium Declaration, the international community has committed itself to making a sustained effort to combat poverty. While confirming that eradicating poverty is the greatest global challenge facing the world today, the World Summit on Sustainable Development also acknowledged that oceans and coastal areas are critical for global food security and agreed on ambitious new targets for resources management and fisheries. Fisheries, including aquaculture, play an important economic role and contribute to sustainable development in many countries, as they are capable of providing current generations with access to food, employment, recreation and trade without compromising the ability of future generations to meet their own needs. ... Aside from trade benefits, the more considerable and substantial contribution of the fisheries sector, particularly small-

scale fisheries and aquaculture, to sustainable development is its contribution to poverty alleviation and food security, especially in remote coastal areas" (see A/60/63, paras. 170 and 174).

4. The report also states that "for the fisheries sector to contribute to sustainable development, it has itself to be managed in a sustainable way". However, management of high seas fisheries is inadequate in many areas and some resources are overutilized. Illegal, unreported and unregulated fishing, overcapacity, excessive fleet size, harmful subsidies, vessel reflagging to escape controls, unsustainable fishing practices, including the use of non-selective gear, excessive by-catch, lack of enforcement of conservation measures, unreliable fisheries information, data and statistics, as well as lack of sufficient cooperation between States, are the main problems affecting high seas fisheries (see A/60/63, paras. 171, 210, 213 and 215).

5. It is also stated that "many fisheries conducted in areas under national jurisdiction, including small-scale fisheries, are facing difficulties relating to local excess fishing capacity, unauthorized incursions by foreign fleets in violation of the sovereign rights of the coastal State under articles 56, 61 and 62 of UNCLOS, ecosystem degradation, undervaluation of catch, excessive by-catches and discards, and increasing competition between artisanal and large-scale fishing, and between fishing and other types of activities. The absence of controls on the overall fishing effort and the fishing practices of local fishers and foreign fishing vessels, prompted by the inadequacy of monitoring, control and surveillance, is the root cause of such unsustainable fishing practices. These practices are believed to have adverse effects on the sustainable development and conservation of fishery resources, and the economies and food security of coastal States, particularly developing coastal States" (see A/60/63, para. 212).

6. The report states that "small-scale fishing communities are vulnerable to many external factors contributing to poverty, including economic factors such as market price fluctuations and variable access to markets, as well as climatic and natural events, such as yearly seasonal fluctuations in stock abundance, poor catches, bad weather, natural disasters ... and the dangers of working at sea. ... Access, control and distribution issues are often linked with competition from industrial and foreign interests. Additional constraints include lack of access to capital, limited alternative employment opportunities and a lack of appropriate technology. Such constraints can reduce the ability of those fisheries to contribute to food security and poverty alleviation" (A/60/63, paras. 216 and 217).

Some possible issues for discussion and elaboration

7. Possible issues for discussion and elaboration include:

- What measures could improve the contribution of fisheries to sustainable development?
- What actions can be taken to address the impediments to the sustainable development of fisheries?
- What actions can be undertaken to improve understanding of the contribution of small-scale fisheries to food security and poverty reduction? How can vulnerability in small-scale fishing communities be reduced and the added-value of small-scale fishing activities be increased?

- What actions are required to improve cooperation among States in the conservation and management of high seas fisheries?
- What actions could improve the role and effectiveness of subregional and regional fisheries management organizations or arrangements?
- What actions can be taken to improve enforcement and compliance mechanisms at the global, regional and national levels?
- How can the availability of data and information that is fundamental to the effective conservation and sustainable management of fisheries resources be improved? Do current arrangements for the collection and sharing of data and information relating to fishing activities suffice?
- What are the particular issues for small island developing States related to the sustainable development of fisheries and how can they be addressed?

B. Discussion Panel B

Marine debris

1. Marine debris, also referred to as marine litter, is any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. Chapter X.B. entitled "Marine debris", paragraphs 232 to 283 of the report of the Secretary-General on oceans and the law of the sea (A/60/63), provides background information for the discussion panel. The following issues addressed in chapter X.B. are not intended to be exhaustive, but could provide a basis for an informed dialogue during the discussion panel:

(a) Sources of marine debris (the main land-based and sea-based sources of marine debris, including fisheries activities) (see A/60/63, paras. 236-240);

(b) Effects of marine debris (the effects of marine debris on human health, safety, tourism and other economic activities, navigation, marine species, the marine environment and fisheries) (see A/60/63, paras. 241-247);

(c) Measures to prevent and reduce marine debris (waste management, effective implementation and enforcement of international instruments, reception facilities and education and awareness-raising to influence behaviours) (see A/60/63, paras. 248-272);

(d) Measures to deal with existing marine debris (A/60/63, para. 273).

2. It is noted in the report of the Secretary-General that "inadequate waste management and deficiencies in the implementation and enforcement of existing international, regional and national regulations and standards that could improve the situation, combined with a lack of awareness among the main stakeholders and the general public, are the major reasons why the marine debris problem not only persists, but appears to be increasing worldwide" (see A/60/63, para. 274).

3. It is also noted that "given its potential for causing transboundary pollution, marine debris is a global problem as well as a national one. There is no single solution to the problem and it must be addressed through a wide range of carefully targeted integrated measures. Therefore, the entities that are addressing the problem of marine debris in a variety of contexts should cooperate in order to ensure that the

battle against marine debris is waged in a comprehensive and effective manner at the national, regional and global levels" (A/60/63, para. 283).

Some possible issues for discussion and elaboration

4. Possible issues for discussion and elaboration include:

- What can be done to raise awareness among the main stakeholders and general public and to foster environmentally sound waste management practices?
- How can stakeholders and the general public be encouraged to clean-up existing debris and dispose of it in an environmentally sound manner?
- What can be done to ensure better implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities? How to enhance cooperation with countries in need of financial, scientific and technical support in developing and establishing environmentally sound waste disposal methods and alternatives to disposal?
- How can parties ensure better implementation of annex V to the International Convention for the Prevention of Pollution from Ships of 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)? What can be done to ensure the availability of waste reception facilities in all ports and their effective use?
- What can be done to improve the implementation of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations? What further measures are required to minimize loss or abandonment of fishing gear? How can its retrieval be facilitated?